

Docket No.: M4065.0223/P223 N.F.

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Chih-Chen Cho

DEST MINABLE COPY

Application No.: 09/517,314 /

Group Art Unit: 2811 —

Filed: March 2, 2000

Examiner: D. Kang

For: BACKEND METALLIZATION METHOD AND DEVICE OBTAINED THEREFROM

REQUEST FOR RECONSIDERATION

Box Non-Fee Amendment Commissioner for Patents

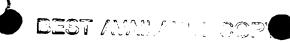
Washington, DC 20231

Dear Sir:

In response to the Office Action dated January 11, 2002 (Paper No. 14), please reconsider the above-identified U.S. Patent application in view of the following remarks.

Applicant notes that all prior art rejections of pending claims 1, 3-18, 20-32 and 39 are predicated on the Park (U.S. Patent No. 6,303,486) reference. Under 35 U.S.C. §102(e), the effective date of the Park reference is January 28, 2000. However, the subject matter of claims 1, 3-18, 20-32 and 39 was conceived prior to this date and was diligently pursued from prior to the reference date toward a constructive reduction to practice, which occurred on the March 2, 2000 filing date of the present application. A copy of a Rule 131 Declaration from the inventor attesting to this is attached (the original Rule 131 Declaration is available upon request). The Declaration establishes a "prior invention" with respect to the effective date of the Park reference (i.e., January 28, 2000). That is, the Declaration establishes conception of the claimed invention prior to the effective date of the Park reference (i.e., January 28, 2000) coupled with due diligence from prior to the

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reference date to the filing date of the present application (i.e., March 2, 2000). See M.P.E.P. §715.07. "A rejection based on 35 USC 102(e) can be overcome by . . . [F]iling an affidavit or declaration under 37 CFR 1.131 showing prior invention." M.P.E.P. §706.02(b). Accordingly, Park is not a proper reference and all rejections based thereon must be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Dated: April 11, 2002

Respectfully submitted,

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AMENDMENT TRANSMITTAL LETTER

Docket No. M4065.0223/P223

Application	No
09/517.31	4

Filing Date March 2, 2000 Examiner D. Kang

Art Unit 2811

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Applicant(s): Chih-Chen Cho

nvention: BACKEND METALLIZATION METHOD AND DEVICE OBTAINED THEREFROM

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

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Thomas J. D'A				Dated:	April 11, 2002
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